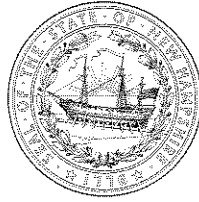


**ATTORNEY GENERAL
DEPARTMENT OF JUSTICE**

33 CAPITOL STREET
CONCORD, NEW HAMPSHIRE 03301-6397

KELLY A. AYOTTE
ATTORNEY GENERAL



MICHAEL A. DELANEY
DEPUTY ATTORNEY GENERAL

December 21, 2005

Section 5 Submission

Chief, Voting Section
Civil Rights Division
Room 7254 – NWB
Department of Justice
950 Pennsylvania Ave., NW
Washington, DC 20006

Re: Submission Under Section 5 of the Voting Rights Act for:

New Hampshire Revised Statute Annotated ("RSA") 655:22-a, a STATUTE related to the order in which primary petitions are filed, enacted by Laws of 1998 Chapter 356.

Dear Voting Section Chief:

Pursuant to 42 U.S.C. § 1973 (c), the State of New Hampshire, through the Office of the New Hampshire Attorney General, hereby submits RSA 655:22-a, a STATUTE related to order in which primary petitions are filed, enacted by Laws of 1998 Chapter 356.

SUBMISSION:

In accordance with 28 C.F.R. § 51.27, the submission is as follows:

- a) Chapter 356 (1998) enacting RSA 655:22-a is attached as (Exhibit 655:22-a A).
- b) Chapter 356 (1988) enacted RSA 655:22-a, therefore, there is no prior statute.
- c) The changes made by the enactment of RSA 655:22-a is to require candidates submitting petitions to order them first alphabetically by the municipality of domicile of the voter signing the petition and then

within each group from a particular municipality, alphabetically by the surname of the voter who signed the petition.

- d) This submission is made by: Senior Assistant Attorney General Orville B. Fitch II, 33 Capitol Street, Concord, New Hampshire 03301, Phone: (603) 271-1238.
- e) The submitting authority is New Hampshire Attorney General, Kelly A. Ayotte for the State of New Hampshire.
- f) Not applicable.
- g) The changes for which pre-clearance is sought were made by a decision of the New Hampshire General Court (Legislature).
- h) In accordance with Amendment X of the U.S. Constitution, the New Hampshire General Court, the State's Legislature, acting pursuant to the New Hampshire Constitution Part Second, Article 2, granting supreme legislative power within the state to the House and Senate, who with right to negate each other are granted power to make law through Part Second, Article 5. Additional authority regarding election law is vested in Part First, Article 11.

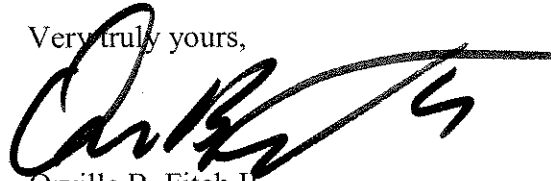
The Legislature through a bicameral process passed law to create Chapter 356 (Exhibit 655:22-a A). The bill was signed into law (by the Governor) on June 18, 1998, pursuant to New Hampshire Constitution Part Second, Article 44.

- i) Adoption dates: June 18, 1998.
- j) Effective dates: January 1, 1999.
- k) The changes have been enforced.
- l) The changes affect the entire State of New Hampshire.
- m) The purpose for the changes are as follows:
 - 1. The purpose of the Chapter 356, section 1 (1998) changes are to require candidates submitting nominating petitions to submit them in an organized fashion that will expedite review. The Petitions must be organized alphabetically first by the town or city of the voter and then within any town or city, by the voter's last name.

- n) These changes do not negatively target any protected class under section 5 of the Voting Rights Act of 1965. 42 U.S.C. § 1973 (c). They are expected to have neutral impact and do not meet the test of retrogression defined in *Reno v. Bossier Parish Sch. Bd*, 520 U.S. 471, 478 (1997). “(T)he ability of minority groups ... to elect their choices to office” will not be diminished. *Beer v. U.S.*, 425 U.S. 130, 141 (1976).
- o) No known litigation
- p) Prior to enactment of RSA 655:22-a there was no specific requirement for the organization of petitions, therefore, there was no preclearance requirement.
- q) Not applicable as this is not a redistricting plan.
- r) Exhibit 655:22-a B is a copy of a Press Release of this submission, its availability, and inviting comment to federal Department of Justice.

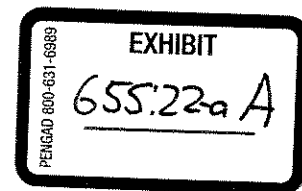
I expect the foregoing information is sufficient to enable the United States Attorney General to make the required determination pursuant to Section 5 of the Voting Rights Act. If further information is required or would be helpful, please contact me.

Very truly yours,



Orville B. Fitch II
Senior Assistant Attorney General
Civil Bureau
(603) 271-1238
bud.fitch@doj.nh.gov

HB 1520-FN - FINAL VERSION



23april98.....1467h

6/10/98 2065s

18jun98.....2251-CofC

18jun98.....2284-EBA

1998 SESSION

98-2857

03/09

HOUSE BILL ***1520-FN***

AN ACT relative to primary petitions, the preparation of voting materials, and format options for disclosing 1998 campaign information, and prohibiting candidates from multi-seat districts from being nominated by more than one party.

SPONSORS: Rep. Pfaff, Merr 11; Rep. Arnold, Hills 20; Rep. J. Foster, Hills 33; Sen. Patenaude, Dist 7; Sen. Rubens, Dist 5

COMMITTEE: Election Law

AMENDED ANALYSIS

This bill:

- I. Replaces the notarization with an oath on primary petitions;
- II. Requires primary petitions to be filed alphabetically;
- III. Allows certain candidates to file reports in computer-retrievable form for the 1998 election cycle;
- IV. Prohibits candidates for state office in multi-seat districts from receiving the nomination of more than one political party; and
- V. Requires the secretary of state to post campaign disclosure information relating to the 1998 election on the Internet.

Explanation: Matter added to current law appears in ***bold italics***.

Matter removed from current law appears ~~[in brackets and struck through]~~

Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

23april98.....1467h

6/10/98 2065s

18jun98.....2251-CofC

18jun98.....2284-EBA

98-2857

03/09

STATE OF NEW HAMPSHIRE

In the Year of Our Lord One Thousand Nine Hundred and Ninety-Eight

AN ACT relative to primary petitions, the preparation of voting materials, and format options for disclosing 1998 campaign information, and prohibiting candidates from multi-seat districts from being nominated by more than one party.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 New Section; Order of Primary Petitions. Amend RSA 655 by inserting after section 22 the following new section:

655:22-a Order of Petitions. Petitions to be filed shall be ordered alphabetically by municipality in which the voter is domiciled. Petitions shall be further ordered by surname of voter for any municipality represented by more than one petition.

2 Primary Petition Form Modified. Amend RSA 655:21 to read as follows:

655:21 Form. Primary petitions shall be made in the following form:

State of New Hampshire

County of....., ss.

City (Town) of

I do hereby join in a petition for the printing on the primary ballot of the name of whose domicile is in the city (town) of (ward, street and number, if in a city), in the county of, for the office of to be voted for on Tuesday, the day of September, 19....., and certify that I am qualified to vote for a candidate for said office, that I am a registered member of the party, and am not at this time a signer of any other similar petition for any other candidate for the above office; that my domicile is in the city (town) of (ward, street and number, if in a city), in the county of I certify that to my knowledge the above-named candidate is not a candidate for incompatible offices as defined in RSA 655:10, and that he **or she** is not a federal employee which makes him **or her** ineligible to file as a candidate for this office. I further certify that I believe the above-named person is especially

qualified to fill said office.

I hereby swear, under penalty of perjury, that the information above is true and correct to the best of my knowledge and belief.

.....

Print Voter's name

.....

Voter's Signature

[State of New Hampshire

County of, ss.

City (town) of, 19.....

The above-named,, personally known to me, appeared and made oath that the above petition, by him subscribed, is true.

Before me,

.....

Justice of the Peace or Notary Public]

3 Preparation of Voting Materials; State General Election; Listing Candidates on Ballot; Candidates Nominated by More Than One Party. Amend RSA 656:5, II to read as follows:

II. All candidates for the same office shall be placed on separate lines within a separate box. The name of each candidate shall be grouped according to the party which nominates the candidate, and the names of the candidates of the party which received the largest number of votes at the last preceding state general election shall be listed first. ***For purposes of determining which party received the largest number of votes, votes received by cross-endorsed candidates shall be attributed to the party in which the candidate is registered. "Cross-endorsed candidate" means a candidate who has received the nomination of more than one party.*** The names of the candidates shall be printed with the given name first, and the candidates shall be listed alphabetically according to their surnames within each party grouping. The name of the party which nominates the candidate shall be printed near the candidate's name, ***except that, notwithstanding any other provision of law to the contrary, no candidate for state office in a multi-seat district may receive the nomination of more than one political party.***

4 Campaign Disclosure Information; 1998 Election Cycle. For the 1998 election cycle, each state candidate may file reports, as required by RSA 664:7, on a computer disk, in addition to a paper copy. Campaign finance filings for United States Senate and representatives to Congress shall be available through a link from the secretary of state's website to the Federal Election Commission.

5 Effective Date.

- I. Section 3 of this act shall take effect upon its passage.
- II. The remainder of this act shall take effect January 1, 1999.

LBAO

98-2857

12/15/97

1520-FN - FISCAL NOTE

AN ACT relative to primary petitions, political expenditures, and the jurisdiction of the ballot law commission.

FISCAL IMPACT:

The Secretary of State indicates state general fund expenditures will increase by \$11,250 in FY 1999 and by \$5,000 in FY 2000 and each year thereafter. There is no fiscal impact on state, county and local revenue or county and local expenditures.

METHODOLOGY:

The Secretary of State has identified the following expenditures as a result of this bill:

Programming \$10,000

Labor 2,500

Office Supplies 1,000

Consulting 1,500

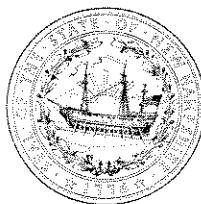
Total \$15,000

The Secretary assumes passage within the last quarter of FY 1999 and programming costs are one time costs.

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News Release

RELEASED BY: Attorney General Kelly A. Ayotte

SUBJECT: Voting Rights Act – Submission of a request for preclearance of changes to New Hampshire Voting laws and procedures

DATE: June 10, 2005

RELEASE TIME: Immediate

Attorney General Kelly A. Ayotte announces the submission of requests for preclearance of changes made to the election laws in New Hampshire to the Federal Department of Justice. Preclearance submissions will address changes made to New Hampshire's election laws since jurisdictions in the State became subject to preclearance.

Ten New Hampshire towns are subject to section 5 of the federal Voting Rights Act. Changes to New Hampshire election laws that affect any of these ten towns must be submitted for review by either the Federal Department of Justice or the Federal District Court for Washington D.C. The federal Department of Justice will review the changes to New Hampshire's election laws to ensure that the changes do not have the effect of denying or abridging the right to vote on account of race or color, or membership in a language minority group. Changes to New Hampshire redistricting statutes have been submitted to, and approved by, the U.S. Justice Department since the 1980 census. Federal regulations require that the public be notified that the State has filed a request for preclearance and that the submission be available for public inspection.

Copies of each submission by the Attorney General for the State of New Hampshire are available at the office of the Attorney General at 33 Capitol Street, Concord New Hampshire, 03301. Each document will also be made available at the Attorney General's Office web site at:

<http://www.doj.nh.gov/elections/>

Attorney General Ayotte and the federal Department of Justice invite persons interested in this submission to submit comments and information, in writing or by telephone, to the Voting Section of the Federal Department of Justice, Civil Rights Division, at the earliest possible date to ensure that they may be considered during the preclearance review time period. Telephone 1-800-253-3931 or (202) 307-2385 or write Chief, Voting Section, Civil Rights Division, Room 7354 – NWB, Department of Justice, 950 Pennsylvania Ave., NW, Washington, DC 20530. The envelope and first page should be marked "Comment under section 5." Additional information on the Voting Rights Act and the preclearance process can be obtained at the web site of the Federal Department of Justice at:

<http://www.usdoj.gov/crt/voting/index.htm>

The New Hampshire Attorney General's Office Voting section can be contacted at:

<http://www.doj.nh.gov/elections/>
New Hampshire Toll Free 1-866-8868-3703
or 1-866-VOTER03
electionlaw@doj.nh.gov